

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SHARMAINE BROWN, as)	
Surviving Parent of JARED)	
LaQUAN BROWN, Deceased,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.: _____
)	
v.)	
)	
McCORMACK BARON SALAZAR,)	(Removed from the State Court
INC. d/b/a THE PRESERVE AT)	of Fulton County, Civil Action
BENT CREEK; McCORMACK)	File No.: 16EV000854)
BARON MANAGEMENT, INC.;)	
and JOHN DOE CORPORATIONS)	
1-3,)	
)	
Defendants.		

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT
OF DEFENDANTS MCCORMACK BARON SALAZAR, INC. AND
MCCORMACK BARON MANAGEMENT, INC.

COME NOW Defendants MCCORMACK BARON SALAZAR, INC. and MCCORMACK BARON MANAGEMENT, INC. (collectively “these defendants”) and, pursuant to 28 U.S.C. § 1441, *et seq.*, give notice of the removal of this action from the State Court of Fulton County, Georgia, case number 16EV000854, to the United States District Court for the Northern District of Georgia, Atlanta Division. In support of removal, these defendants respectfully

state as follows:

1.

Plaintiff commenced the above-styled action in the State Court of Fulton County, Georgia, on February 25, 2016, as Civil Action File No. 16EV000854 (the “State Court Action”).

2.

Defendant McCormack Baron Salazar, Inc. was served with the following documents on February 29, 2016 at the office of its registered agent in Georgia: Summons, Complaint and Demand for Jury Trial, Rule 5.2 Certificate of Service of Discovery Materials, Plaintiff’s First Requests for Admissions to each Defendant, Plaintiff’s First Continuing Interrogatories to each Defendant, Plaintiff’s First Requests for Production of Documents to each Defendant.

3.

Defendant McCormack Baron Management, Inc. was served with the following documents on February 29, 2016 at the office of its registered agent in Georgia: Summons, Complaint and Demand for Jury Trial, Rule 5.2 Certificate of Service of Discovery Materials, Plaintiff’s First Requests for Admissions to each Defendant, Plaintiff’s First Continuing Interrogatories to each Defendant, Plaintiff’s First Requests for Production of Documents to each Defendant.

4.

This notice of removal of the case to this United States District Court is timely filed by these defendants within thirty (30) days of service of the complaint in the State Court Action, from which it was first ascertained that the case is one which is removable, in accordance with the provisions of 28 U.S.C. §§ 1441 and 1446. These defendants have not previously filed a Notice of Removal in this matter.

5.

The parties to this action are Plaintiff Sharmaine Brown, as surviving parent of Jared LaQuan Brown, deceased, a citizen of the State of Georgia; Defendant McCormack Baron Salazar, Inc., a corporation organized and existing under the laws of the State of Missouri and maintaining its principal office and principal place of business in St. Louis, Missouri; Defendant McCormack Baron Management, Inc., a corporation organized and existing under the laws of the State of Missouri and maintaining its principal office and principal place of business in St. Louis, Missouri; and John Doe Corporations 1-3, whose identities are unknown to plaintiff (and as to which plaintiff provided no information regarding citizenship). For purposes of removal, all defendants are diverse from plaintiff.

6.

In this action, plaintiff seeks to recover damages for the wrongful death of Jared LaQuan Brown in an incident occurring on or about July 11, 2015 in Atlanta, Georgia. Plaintiff claims damages for the full value of the life of Jared LaQuan Brown.

7.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that (a) the plaintiff and all defendants are citizens of different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.00.

8.

Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the Northern District of Georgia, Atlanta Division is the district court embracing the place where such action is pending, *i.e.*, the State Court of Fulton County, Georgia.

9.

Attached hereto as Exhibit 1, and made a part hereof by reference, are true and correct copies of the following documents which were filed in the State Court Action: General Civil Case Filing Information Form; Summons to McCormack Baron Salazar, Inc.; Summons to McCormack Baron Management, Inc.; Plaintiff's

Complaint and Demand for Trial by Jury; Rule 5.2 Certificate of Service of Discovery Materials; Affidavit of Service on McCormack Baron Salazar, Inc.; Affidavit of Service on McCormack Baron Management, Inc.

10.

Written notice of the filing of this Notice of Removal will be given to all adverse parties as required by law. 28 U.S.C. § 1446(d).

11.

A copy of this Notice of Removal is being filed with the Clerk of the State Court of Fulton County, Georgia, as provided by law. 28 U.S.C. § 1446(d).

12.

Based on the foregoing, all of the prerequisites for removal under 28 U.S.C. § 1441 have been satisfied. However, if any issue arises as to the propriety of the removal of this action, these defendants respectfully request the opportunity to present further evidence and legal authority in support of their position.

WHEREFORE, Defendants McCormack Baron Salazar, Inc. and McCormack Baron Management, Inc. respectfully request (1) that this Court assume jurisdiction over this action as provided by law; (2) that the State Court of Fulton County, Georgia, proceed no further with Civil Action File No. 16EV000854; and (3) that the State Court Action be and hereby is removed from

the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 30th day of March, 2016.

/s/ Deborah Shelles Cameron

John L. McKinley, Jr.
Georgia Bar No. 495513
Deborah Shelles Cameron
Georgia Bar No. 105369
Bridgette E. Eckerson
Georgia Bar No. 591373

*Attorneys for Defendants McCormack
Baron Salazar, Inc. and McCormack Baron
Management, Inc.*

MOZLEY, FINLAYSON & LOGGINS LLP
One Premier Plaza, Suite 900
5605 Glenridge Drive
Atlanta, Georgia 30342
(404) 256-0700 (telephone)
jmckinley@mfllaw.com
dcameron@mfllaw.com
beckerson@mfllaw.com

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1-3,)	
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Defendants.		

CERTIFICATE OF SERVICE AND TYPE SIZE COMPLIANCE

I hereby certify that, this date, I electronically filed the *Notice of Removal to the United States District Court of Defendants McCormack Baron Salazar, Inc. and McCormack Baron Management, Inc.* with the Clerk of Court using the CM/ECF system and have served all counsel of record by depositing in the United States Mail a copy in a properly addressed envelope with adequate postage as follows:

Robert A. DeMetz, Jr.
Morgan & Morgan Atlanta, LLC
P. O. Box 57007
Atlanta, Georgia 30343-1007

Pursuant to Local Rule 5.1, NDGa., I certify that the foregoing pleading is prepared in Times New Roman, 14 point.

This 30th day of March, 2016.

/s/ Deborah Shelles Cameron

Deborah Shelles Cameron
Georgia Bar No. 105369